**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE : N.V. RAMANA

WRIT PETITION Nos. 10473 & 10474 of 2004

**W.P.No. 10473 of 2004**

Between:

Pothula Rukmini W/o Mogili
R/o Damera, Atmakur Mandal, Warangal District

..... PETITIONER

AND

1 Revenue Divisional Officer, Warangal
2 Sri Janagama Sambaiah S/o Sammaiah, Occ: Vice President,
R/o Gudepahad, Atmakur Mandal, Warangal District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings of the 1st respondent issued in Rc. No. E/1589/2004 in Form-V dt 4-6-2004 as illegal, void ab initio and contrary to the provisions of Section 245 of A.P. Panchayat Raj Act.

**W.P.No. 10474 of 2004**

Between:

Pothula Rukmini W/o Mogili
R/o Damera, Atmakur Mandal, Warangal District ..... PETITIONER

AND

1 Revenue Divisional Officer, Warangal
2 Jannu Mallaiah S/o Kanakaiah, President, Mandal Parishad,
Atmakur R/o H. NO. 15-3-20, KMC, Rangampet
Opp: EBC Church, Warangal, Warangal District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings of the 1st respondent issued in Rc. No. E/1588/2004 in Form-V dt 4-6-2004 as illegal, void abinitio and contrary to the provisions of Section 245 of A.P. Panchayat Raj Act.

Counsel for Petitioner in both the W.Ps. : MR.Y.RAMA RAO
Counsel for Respondent No.1 (in both W.Ps.) : GP FOR P.R & R.D
Counsel for Respondent No.2 (in both W.Ps.)

**The Court at the stage of admission, made the following :**

**COMMON ORDER:**

The petitioner and respondent No.1 are common, while respondent No.2 is different, in these two writ petitions. The petitioner, who claims to have been elected as Member of MPTC from Damera Constituency, has filed these writ petitions questioning the separate proceedings dated
4-6-2004 issued by respondent No.1-Revenue Divisional Officer in Form-V, as being illegal, *ab initio* void and contrary to the provisions of Section 245 of the A.P. Panchayat Raj Act, 1994.

The petitioner states that her signatures were taken forcibly on blank papers under threat and coercion by respondent No.2 in both the writ petitions, and that the said blank papers were subsequently used for moving a motion of no-confidence in the President and Vice-President of Atmakur Mandal Parishad. It is the case of the petitioner that though she brought this to the notice of respondent No.1 and also lodge police

complaint, and though FIR has been issued, respondent No.1 ignoring the same, has issued the impugned notice calling for the meeting of the Mandal Parishad for discussing the motion moved for want of confidence in the President and Vice-President of Atmakur Mandal Parishad, which is illegal and *ab initio* void.

The learned counsel for the petitioner submits that Inasmuch as the petitioner is contending that her signatures were taken on blank papers, she cannot be treated to be a party to the motion of no-confidence moved against the President and Vice-President of Atmakur Mandal Parishad, and more so when she had lodged a complaint, which is pending investigation. He submits that according to Section 245 of the A.P. Panchayat Raj Act, 1994, atleast half of the members of the Mandal Parishad should support the motion for its moving, and inasmuch as if the petitioner is not counted for the purpose of reckoning, the motion of no-confidence would be disqualified at the threshold. He further submits that since the investigation against the complaint made by the petitioner is pending, respondent No.1 ought not to have issued the impugned notice calling for the meeting of the Mandal Parishad for considering the motion of no-confidence against the President and the Vice-President of Atmakur Mandal Parisahd.

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj and Rural Development for respondent No.1.

The learned Government Pleader for Panchayat Raj and Rural Development produced the relevant record. A perusal of the record would disclose that the petitioner had voluntarily put her signature on the representation for moving the motion of no-confidence against the President and Vice-President of Atmakur Mandal Parishad. And basing on the said representation, respondent No.1 issued the impugned notice calling for meeting of the Mandal Parishad for considering the motion of

no-confidence moved against the President and Vice-President. If, in fact, the petitioner has not put her signature, nothing prevented her from participating in the meeting and casting her vote against the motion and in favour of the President and Vice-President. Admittedly, the petitioner has filed a complaint to the police and the same is pending investigation. Calling for the meeting for discussing the motion of no-confidence against the President and Vice-President of the Mandal Parishad has nothing to do with the police complaint filed by the petitioner, and as such, pending investigation thereinto, at the instance of the petitioner, the motion of no-confidence, cannot be stalled, and more so when the petitioner is entitled to cast her vote in the motion of no-confidence.

In the above view of the matter, I see no reason to interfere with the impugned notice, and as such, the writ petitions which seek to assail the same, fail and are accordingly dismissed. In view of the dismissal of the writ petitions, respondent No.1 is directed to issue fresh notice calling for the meeting, and conduct the same in accordance with law. The dismissal of the writ petitions, however, will not preclude respondent No.1 from enquiring into the complaint made by the petitioner, although the petitioner had lodged police complaint, which is pending investigation. No costs.

_____

**N.V. RAMANA, J.**

**Date: June 25, 2004**

**KSR/DA**

To

1 The Revenue Divisional Officer, Warangal

2 Two CCs to the G.P. for Panchayat Raj & Rural Dev. Department, High Court of A.P., Hyderabad. (OUT).

3 Two CD copies.